

NPDES PHASE II COMMENTS

1. S1. Permit Coverage Area and Permittees. C.2.c

Page 6 of 50

Line 28

Delete: “~~commuter~~”

Add: “and any non-residents regularly employed in the areas served by the small MS4.”

2. S1. Permit Coverage Area and Permittees. D.2.d.

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Line 9

This line refers to section S2.D.c. No such section exists in the permit. Recommend changing this reference to S1.D.2.c.

3. S2. Authorized Discharges. A.

Page 9 of 50

Line 27

Delete: all “~~waters of the state~~” references and replace with “waters of the U.S.”

The language of this section needs to clearly state that the water bodies that are not waters of the U.S. are not regulated under this permit and are only regulated under state law as water of the state. Not all waters of the state are waters of the US and are not and should not be included as a part of the NPDES permit.

4. S2 Authorized Discharges A.1.

Page 9 of 50

Line 30

Delete: “~~into and~~”

An owner of an MS4s cannot control all properties outside of its ownership.

5. S2 Authorized Discharges A.2.

Page 9 of 50

Line 32 to 35

Delete: section 2.

Discharges do not require permits. New construction of stormwater systems are permitted though construction permits not though a national pollutant discharge elimination permit. This should not be in the NPDES permit.

6. S2 Authorized Discharges A.4.

Page 10 of 50

Line 1 to 3

Delete: (all of section 4.) Ground waters are not waters of U.S., ground waters are not part of NPDES regulations. They are regulated in State regulations but should not be included in the NPDES permit.

Delete: all “~~waters of the state~~” references and replace with “waters of the U.S.”

The language of this section needs to clearly state that the water bodies that are not waters of the U.S. are not regulated under this NPDES permit and are only regulated under state law as water of the state. Not all waters of the state are waters of the US and are not and should not be included as a part of the NPDES permit.

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7. S2 Authorized Discharges B.1.

Page 10 of 50

Line 4 to 11

Delete: (all of section 1.) Not a small municipal separate storm sewer NPDES permit. These are separate NPDES permits and should not be included.

8. S2. Authorized Discharges. C.

Page 10 of 50

Line 12 – 14

Delete: fire fighting activities. (~~Unless the discharges from fire fighting activities are identified as significant sources of pollutants to waters of the state.~~)

Firefighting activities cannot cease if runoff is causing water quality accidents. Is it the intent of the NPDES permit requirements to let fires burn, including forest fires?

9. S2. Authorized Discharges. D.

Page 10 of 50

Line 15 to 18

Delete: (“~~entities~~”)

Add (“responsible parties”) State regulations defined who is responsible for spills and clean up in 173-303 WAC, 173-340 WAC.

10. S4. Compliance with Standards. C. & D.

Page 11 of 50

Line 5 to 12

Delete: all of A, B, and E.

Delete: all other references to “~~waters of the state~~” in permit.

Add: “waters of the U.S.”

11. S4. Compliance with Standards. F.

Page 11 of 50

Line 22 to 28

Add: to the end of line 25, “the permittee will have met the requirement of using best management practices (BMPs) to the maximum extent practicable (MEP) using all known and reasonable technologies (AKART) by fulfilling the terms and conditions of this permit.”

It must be clearly stated that meeting the terms and conditions of this permit is fulfilling MEP. As a result of this statement, the permit language must be precise and eliminate “open ended” requirements that can allow the permit to be changed or modified without permittee review. This permit is supposed to be based on the presumptive approach using best management practices (BPMs) to the maximum extent practicable (MEP)

NPDES PHASE II COMMENTS

using all known and reasonable technologies (AKART). This section is targeting direct discharges instead of the operation and maintenance of the system.

12. S4. Compliance with Standards. F.3.

Page 11 of 50

Line 28

Delete: “~~State of Washington~~”

Add: “United States”

13. S5. Stormwater Management Program for Cities, Towns, and Counties. S5.A.3

Page 12 of 50

Line 14 to 20

Delete: All of (a) and all other references to “tracking the cost of the development and implementation”.

What is the gain by tracking the cost of the development and implementation? It takes time and money to do this tracking that could be used for other work. We fail to see the benefit of reporting how much money we spend towards the implementation of this permit program. This will not offer any real evaluation of program success or meeting MEP. Every Permittee will spend varying amounts towards implementing the same program. Permittee 1 may spend less than permittee 2 toward implementation of identical programs. The amount of funding spent towards program implementation does not indicate permit compliance in any way. Furthermore, this effort would potentially change the structure of a local government’s financial recording system. This reporting requirement will require the alteration of a permittee financial system that may have been in use for several years and can not be changed without high costs to change outcomes just to meet this requirement. In addition, the amount of funds expended during one particular permit term should not be used as a standard to meet future permit renewals. This requirement should be completely removed from the permit.

14. S5. Stormwater Management Program for Cities, Towns and Counties. C.1.

Page 12 of 50

Line 41

Delete: “~~Reduce or eliminate~~”

Add: “Highlight”

Permmitttee can not evaluate changes and adoption of the targeted behaviors of others. It is extremely difficult to quantify a public educational program. It would be impossible to quantify the changing and adoption of targeted behaviors. Most communities in this area tend to have residential change approximately every few years. This is added difficulty to evaluating a success of an educational program tied to individual change. It takes years of exposure to educational programs to have an impact on societal change and this is beyond the scope of our permit requirements.

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15. S5. Stormwater Management Program for Cities, Towns and Counties. C.2.a.

Page 14 of 50

Line 31

Delete: “~~implementation~~”

Public input should be limited to development and update of the program. The implementation and operation is an agency role to meet all regulations and is not a public role.

16. S5. Stormwater Management Program for Cities, Towns and Counties. C.3.

Page 15 of 50

Line 3

Delete: “~~including spills~~” throughout permit.

There needs to be additional clarification regarding the spill program that is required in this section and how it relates to state clean up regulations which are not part of an NPDES permit. Historically, spills and releases to the environment are issues that Ecology has been mandated to address. This program could have very high costs. Staff would have to be specially trained to meet L&I requirements. Costs for this program could vary significantly year to year. If the cleanup and disposal costs were solely the responsibility of the local jurisdiction, instead of the responsible party or, without help from Ecology, one midnight dump of a hazardous waste could wipe out a municipalities maintenance budget.

17. S5. Stormwater Management Program for Cities, Towns and Counties. C.3.

Page 15 of 50

Line 2

Delete (~~prevent~~)

Add (identify)

A permittee can not prevent actions by others but they can identify the actions.

Page 15 of 50

Line 3

Delete: (~~and improper disposal, including spills,~~)

A permittee can not prevent actions by others but they can identify the actions.

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Line 5

Delete: “~~and elimination~~”

Add: “and reporting”

This statement implies that we must detect, remove and prevent not only illicit connections (cross connections) but also illicit discharges which includes all non stormwater discharges. This section requires the permittee to adopt the Illicit Discharge Detection and Elimination guidance manual. This manual requires source tracking of illicit connections and discharges using expensive chemical analysis to discover the source of contamination. Utilizing chemical analysis to source track illicit discharges as well as illicit connections would become very expensive.

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18. S5. Stormwater Management Program for Cities, Towns and Counties. C.3.a.i.

Page 15 of 50

Lines 11 to 19

Add: “an integrated GIS mapping tool with the above referenced attributes contained within layers is considered sufficient.”

It is unclear if the maps referred to in S5.C.3.a.i. need to be stand alone maps or if layers within an integrated geographic information system (GIS) are sufficient.

19. S5. Stormwater Management Program for Cities, Towns and Counties. C.3.a.vi.

Page 15 of 50

Line 31 to 32

Add: “at cost which recompenses the permittees of providing the data that can include costs of maintenance and upkeep of the mapping system.”

20. S5. Stormwater Management Program for Cities, Towns and Counties. C.3.b.

Page 15 of 50

Line 33

Delete: “ordinance or other regulatory”

How a local agency develops and implements these programs rests with the local municipal governments.

21. S5. Stormwater Management Program for Cities, Towns and Counties. B.3.b.ii.

Page 16 of 50

Line 18

Add: planned discharges (of all potable water sources.) shall...

22. S5. Stormwater Management Program for Cities, Towns and Counties. B.3.b.ii.

Page 16 of 50

Line 22- 24

Delete: all 2 bullet.(lines 22, 23, and 24 on page 16 of 50.

Permittees should not be required to prohibit discharges from lawn watering and other irrigation runoff. It is problematic to require a permittee to adopt an enforcement regulation that prohibits lawn watering. This requirement puts the permittee at a risk of legal agreement from third parties claiming that we are not enforcing our ordinance or our permit. If the legal argument is objecting to the ordinance then this would be challenged in a local court not federal court. Which is a real resource drain, it would be impossible for us to respond to every lawn watering complaint. Especially since lawn watering is considered a illicit discharge meaning that we are required to remove that discharge which would be impossible. Lawn watering should be taken out of this NPDES permit completely.

23. S5. Stormwater Management Program for Cities, Towns and Counties. C.3.b.iii.

Page 16 of 50

Line 38 to 39

Delete: (All of iii.)

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The permittee can attempt to reduce or minimize the non-stormwater discharges described in this section through mechanisms put in place, education or inspections of the MS4 system but has limited control over areas they have no ownership/ control or over naturally occurring conditions. Requiring the Stormwater Management Plan to identify significant sources of pollutants and effectively prohibit these discharges are not realistic.

24. S5. Stormwater Management Program for Cities, Towns and Counties. C.3.c.ii.

Page 17 of 50

Line 28

Add: “Screening for illicit connections shall be conducted using (the appropriate portions of)

Guidance Manuals are not regulatory instruments. By including it as a requirement, this permit condition makes it a regulation without due process.

25. S5. Stormwater Management Program for Cities, Towns and Counties. C.3.c.v.

Page 18 of 50

Lines 18

Delete (~~180 days~~)

Add: (“termination of the connection must be initiated within 30 days using enforcement authority as needed.”)

Requires “termination of the connection within 180 days...” Termination of connections or practices may require court action. Jurisdictions cannot guarantee legal timelines decided within the court system.

26. S5. Stormwater Management Program for Cities, Towns and Counties. C.3.f.i.

Page 18 of 50

Line 31

Delete: “including (~~tracking the number and type of spills or~~)”

27. S5. Stormwater Management Program for Cities, Towns and Counties. C.3.f.i.

Page 18 of 50

Line 40

Delete: “illicit discharges, (~~including spills, improper disposal, and~~)”. Ecology will be contacted for cleanup and disposal and this clean up should be tracked by them.

28. S5. Stormwater Management Program for Cities, Towns and Counties. C.4.

Page 19 of 50

Line 21 to 23

Delete: ~~The “Technical Thresholds” in Appendix 1 shall be applied to all sites 1 acre or greater, including projects less than one acre that are part of a larger common plan of the of the development or sale.~~

This Appendix 1 is a guidance document.

29. S5. Stormwater Management Program for Cities, Towns and Counties. C.4.a.i.

Page 19 of 50

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Line 30 to 38

Delete: section (i-) Appendix 1 is guidance. Making a guidance document required as an ordinance or NPDES permit would be without due process.

30. S5. Stormwater Management Program for Cities, Towns and Counties. C.4.a.i.

Page 19 of 50

Line 34 to 38

Delete: “~~more stringent requirements may be used and/or certain requirements may be tailored to local circumstances. Through the use of basin plans or other similar water quality and quantity planning efforts such local requirements must provide equal protection of receiving waters and equal levels of pollution control as compared to Appendix 1.~~”

31. S5. Stormwater Management Program for Cities, Towns and Counties. C.4.a.ii.

Page 20 of 50

Line 7

Add: permittees who choose to use (“the required portion of the”) site planning. . .

32. S5. Stormwater Management Program for Cities, Towns and Counties. C.4.a.iii.

Page 20 of 50

Line 11

Add: premittees MS4“after construction and before final approval.”

33. S5. Stormwater Management Program for Cities, Towns and Counties. C.4.b.iv.

Page 21 of 50

Line 4 to 5

Add: “Also, ensure a maintenance plan is completed and responsibility for maintenance is assigned (“by owner of the property”). Enforce as necessary based in the inspection.”
This is the role and responsibility of the owner of the newly constructed system.

34. S5. Stormwater Management Program for Cities, Towns and Counties. C.4.b.v.

Page 21 of 50

Line 9

Add: “by owner of the property” to the end of the sentence.

35. S5. Stormwater Management Program for Cities, Towns and Counties. C.4.c.ii.

Page 21 of 50

Line 27 to 29

Delete: All of C.4.c.ii. The use of Chapter 4 volume V. this is only a guideline.

36. S5. Stormwater Management Program for Cities, Towns and Counties. C.4.c.ii.

Page 21 of 50

Line 28

Add: “more protective than those specified in (“the mandatory parts of”) Chapter 4 . . .”

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37. S5. Stormwater Management Program for Cities, Towns and Counties. C.4.c.iii.
Page 22 of 50

Lines 1 to 9 and Page 23 Lines 35 to 39

Add: “water quality treatment facilities (not) including catch basins”

Section S5.4.ciii requires “water quality treatment facilities including catch basins” to be inspected annually while S5.5.d states that all catch basins must be inspected at least once before the end of the Permit term. Lines 1 to 9 on Page 22 and Lines 35 to 39 on Page 23 conflicts.

38. S5. Stormwater Management Program for Cities, Towns and Counties. C.4.c.iii, iv, v
Page 22 of 50

Lines 1

Add: Inspection program (“by owner of the property”)

39. S5. Stormwater Management Program for Cities, Towns and Counties. C.4.c.iii, iv, v
Page 22 of 50

Lines 15

Add: compliance with maintenance standards as needed (“by owner of the property”)

40. S5. Stormwater Management Program for Cities, Towns and Counties. C.4.c.iii, iv, v
Page 22 of 50

Lines 19

Add: of the site (“by owner of the property”)

41.

42. S5. Stormwater Management Program for Cities, Towns and Counties. C.5.
Page 23 of 50

Line 1 delete: goal of (~~preventing or~~) reducing...

Preventing is an absolute which can not be maintained.

43. S5. Stormwater Management Program for Cities, Towns and Counties. C.5.
Page 23 of 50

Line 2

Add: municipal operations (for property owned by permittee).

44. S5. Stormwater Management Program for Cities, Towns and Counties. C.5.a.
Page 23 of 50

Line 4 to 6

Delete: All of (~~C.5.a.~~) The use of this chapter is only guidance.

45. S5. Stormwater Management Program for Cities, Towns and Counties. C.5.a.
Page 23 of 50

NPDES PHASE II COMMENTS

Line 5

Add: as those specified in (“the mandatory parts of”)

46. S5. Stormwater Management Program for Cities, Towns and Counties. C.5.a.

Page 23 of 50

Line 15

Add: “these standards are violated (by the owner of the property)”

47. S5. Stormwater Management Program for Cities, Towns and Counties. C.5.a.

Page 23 of 50

Line 17

Add: (“unless delayed by additional regulatory permit processes beyond the applicants control”)

This line states that a jurisdiction must complete a maintenance action within 2 years when the capital construction cost is less than \$25,000.00. This time limit may not be achievable in the cases that require additional regulatory permits. Stormwater system construction often requires shoreline substantial development permits, Army Corps section 404 permits, WDFW Hydraulic Project Approvals, and Ecology section 401 permits and could require an section 7 or 10 review. All these permits have long time lines and are all subject to appeal. As such many projects take longer than 2 years to get through the regulatory permit process.

48. S5. Stormwater Management Program for Cities, Towns and Counties. C.5.c.

Page 23 of 50

Line 20

Add: flow control facilities (not including catch basins)...

Lines 1 to 9 on Page 22 and Lines 35 to 39 on Page 23 conflicts.

49. S5. Stormwater Management Program for Cities, Towns and Counties. C.5.c.

Page 23 of 50

Line 28

Add: (“Property owner shall conduct”) spot checks . . .

50. S5. Stormwater Management Program for Cities, Towns and Counties. C.5.c.

Page 23 of 50

Line 29

Need a definition of a “major” storm event. (example 0.5 inches in a 24 hour period)

51. S5. Stormwater Management Program for Cities, Towns and Counties. C.5.c.

Page 23 of 50

Line 33

Delete: action (~~in accordance with maintenance standards established above,~~) based...

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52. S5. Stormwater Management Program for Cities, Towns and Counties. C.5.d.

Page 23 of 50

Line 38

Add: in accordance with (“the mandatory parts of”) Appendix...

53. S5. Stormwater Management Program for Cities, Towns and Counties. C.5.d.

Page 23 of 50

Line 38

Delete: established in (~~the 2005 Stormwater Management Manual for Western Washington~~)

Add: established in (“WAC 350 Solid Waste Regulations.”)

54. S5. Stormwater Management Program for Cities, Towns and Counties. C.5.e.

Page 23 of 50

Line 42

Add: 95% of all sites (“owned by the property owner.”)

55. S5. Stormwater Management Program for Cities, Towns and Counties. C.5.f.

Page 24 of 50

Line 4

Add: (“Compliance with the Regional Road Maintenance Endangered Species Act Program Guidelines will meet or exceed this goal.”)

56. S5. Stormwater Management Program for Cities, Towns and Counties. C.5.g.iii & iv

Page 24 of 50

Line 26 to 27

In regards to vegetation disposal, and waste disposal is regulated by WAC 350 Solid Waste Regulations not by this permit.

57. S5. Stormwater Management Program for Cities, Towns and Counties. C.5.i.

Page 25 of 50

Line 5

Add: General Permit (“or other appropriate NPDES Permit.”)

58. S6. Stormwater Management Program for Secondary Permittees B.

Page 25 of 50

Line 37

Delete: discharges (~~“to and”~~)...

59. S6. Stormwater Management Program for Secondary Permittees. B.

Page 25 of 50

Line 39 to 40

Delete: (~~“which may be a combination of statute, ordinance, permit, contracts, order, interagency agreements, or similar means,”~~)

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Legal authority should be defined by the Local Agency Administration.

60. S6. Stormwater Management Program for Secondary Permittees B.1.

Page 26 of 50

Line 1 to 4

Delete: lines 1 – 4.

These are industrial permits controlled by Ecology.

61. S6. Stormwater Management Program for Secondary Permittees B.2.

Page 26 of 50

Line 5 to 6

Delete: all of lines 5 – 6.

Permittee can not control other agency's property or private property with in other agencies.

62. S6. Stormwater Management Program for Secondary Permittees. B.2.

Page 26 of 50

Line 5

Replace: "~~discharges~~" with "connections:"

63. S6. Stormwater Management Program for Secondary Permittees. B.3.

Page 26 of 50

Line 7

Delete: discharge of ("~~spills and the~~") dumping

Can not control private property.

64. S6. Stormwater Management Program for Secondary Permittees. B.3.

Page 26 of 50

Line 7 to 9

Delete: All of line 7, 8, and 9

Permittee can not control private property.

65. S6. Stormwater Management Program for Secondary Permittees. B.4.

Page 26 of 50

Line 10 to 11

Delete: All of line 10 and 11

Permittee can not control other agency's property or private property.

66. S6. Stormwater Management Program for Secondary Permittees B.6.

Page 26 of 50

Line 13

Add: and monitoring ("of property owned by MS4, and") procedures....

NPDES PHASE II COMMENTS

67. S6. Stormwater Management Program for Secondary Permittees B.6.

Page 26 of 50

Line 15

Delete: on illicit (“~~discharges~~”)

Add: on illicit (“connections”)

68. S6. Stormwater Management Program for Secondary Permittees C.2.b.

Page 27 of 50

Line 33

Delete: (“~~spilling~~”)

69. S6. Stormwater Management Program for Secondary Permittees C.2.b.

Page 28 of 50

Line 20

Add: planned discharges (of all potable water sources.) shall...

70. S6. Stormwater Management Program for Secondary Permittees. C.3.b.v.

Page 29 of 50

Line 3-4

Delete: (~~All of iv.~~)

The permittee can attempt to reduce or minimize the non-stormwater discharges described in this section through mechanisms put in place, education or inspections of the MS4 system but has limited control over areas they have no ownership/ control or over naturally occurring conditions. Requiring the Stormwater Management Plan to identify significant sources of pollutants and effectively prohibit these discharges are not realistic.

71. S6. Stormwater Management Program for Secondary Permittees. C.3.b.v.

Page 29 of 50

Line 7

Delete: waters of the (~~State~~)

Add: waters of the (US)

72. S6. Stormwater Management Program for Secondary Permittees. C.3.c.

Page 29 of 50

Line 8 to 16

Delete: all of line 8-16

Unfunded mandate.

73. S6. Stormwater Management Program for Secondary Permittees. C.3.d.

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Line 21

Delete: any illicit (~~discharges.~~)

Add: any illicit (connections)

74. S6. Stormwater Management Program for Secondary Permittees. C.3.d.

Page 29 of 50

Line 21 to 22

(~~“Keep records of inspections and follow-up activities.”~~)” Unfunded mandate.

75. S6. Stormwater Management Program for Secondary Permittees. C.3.e.

Page 29 of 50

Line 23 to 25

Delete: all of e.

Add ☺ “Report all spills to Ecology.”)

This is not the Local Agency role.

76. S6. Stormwater Management Program for Secondary Permittees. C.3.f.

Page 29 of 50

Line 27

Delete: “~~preventing~~”

Add: (reducing)

77. S6. Stormwater Management Program for Secondary Permittees. C.5.a.

Page 30 of 50

Line 5-7

Add:: (including implementation of the (“the mandatory parts of”) the Minimum Technical Requirements for Construction Stormwater Pollution Prevention containment in Appendix 1, Minimum Requirement #2)

78. S6. Stormwater Management Program for Secondary Permittees. C.5.a.

Page 30 of 50

Line 20 to 22

Delete: all of a.

79. S6. Stormwater Management Program for Secondary Permittees. C.5.b.

Page 30 of 50

Line 27 to 28

Add:: (including implementation of the (“the mandatory parts of”) minimum Technical Requirements in Appendix 1)

This is recommended guidance, not regulatory requirement

NPDES PHASE II COMMENTS

80. S6. Stormwater Management Program for Secondary Permittees. C.5.c.

Page 30 of 50

Line 31 to 33

Add: the ("the mandatory parts of") minimum Technical Requirements in Appendix 1)...

This is recommended guidance, not regulatory requirement

81. S6. Stormwater Management Program for Secondary Permittees. C.6.a.

Page 31 of 50

Line 3

Delete: ("~~3~~ responses to spills")

82. S6. Stormwater Management Program for Secondary Permittees. C.6.a.i.

Page 31 of 50

Line 9 to 10

Delete: ("~~and proper disposal of waste removed from the system.~~")

Waste disposal is regulated in WAC 350.

83. S6. Stormwater Management Program for Secondary Permittees. C.6.a.i.

Page 31 of 50

Line 13

Add: BMPs (owned by Secondary Permittees) to ...

84. S6. Stormwater Management Program for Secondary Permittees. C.6.a.i.

Page 31 of 50

Line 15 to 17

Add: specified in ("the mandatory parts of") Chapter 4...

This is recommended guidance, not regulatory requirement.

85. S6. Stormwater Management Program for Secondary Permittees. C.6.a.ii.

Page 31 of 50

Lines 22

Add: e.g. salt, sand (mixed with de-icer additives), or other...

Section S6.a.ii is not sufficiently clear. Does Ecology intend to require that secondary permittees store road sand (traction grit) in a "walled and roof structure"? We recommend that sand used for traction control that does not have any de-icer additives not be required to be contained within a roofed and walled structure.

86. S6. Stormwater Management Program for Secondary Permittees. C.6.a.v.

Page 31 of 50

Line 37 to 38

Delete: (~~and vegetation disposal and trash management.~~)

Disposal and trash management are controlled by WAC 350 solid waste regulations.

NPDES PHASE II COMMENTS

87. S8. Monitoring

Page 33 - 36 of 50

Special Condition 8:

It is not appropriate to require monitoring for BMP effectiveness mainly because these are already proven BMP's. A lot of research has gone into developing and monitoring these BMP's prior to including them into the Western Washington Storm Water Manual. It should be left up to the local jurisdictions to determine what type of monitoring they feel is necessary to conduct based on localized water quality issues. DOE can Review the proposed monitoring plan and approve or deny with constructive criticisms and suggestions. This monitoring requirement can bankrupt a stormwater system and can take away funds from system maintenance and improvement.

88. S8. Monitoring. A.2. – B.3.

Page 33 of 50

Lines 16 to 28

Recommend that Ecology make it clear the screening tests used in Illicit Discharge program pursuant to section S5.B.3.c.iii is not stormwater monitoring that requires a separate reporting under section S8.B.1.

89. S8. Monitoring. C.1.b.

Page 34 of 50

Line 38 to 39

Delete: for (either) stormwater (or receiving water) monitoring

Monitoring receiving waters is outside of local control. BMP effectiveness monitoring as it relates to receiving waters is outside of local control.

To answer this question a trendline of each parameter will need to be developed.

However, cause and effect has not been established. Only land use versus biodiversity or bio-integrity has been established. Artificial streams maybe better suited to answer the question for selected parameters

90. S8. Monitoring. C.1.c.i. & ii

Page 35 of 50

Lines 14 to 42

and Page 36 of 50

Lines 1 to 15

If the intent of the BMP effectiveness monitoring is to determine appropriate use conditions for a BMP and the appropriate design criteria, then the plan listed is unlikely to answer those questions. For jurisdictions that have not adopted technical standards equivalent to the 2005 Stormwater Management Manual for Western Washington prior to the permit timelines, it is very unlikely that BMPs built to that standard will be in the community by the third year of the permit. State vesting laws, permit timelines, and construction schedules create at least a 5 year lag between adoption of a technical standard and widespread post construction implementation. Therefore, BMPs tested under this proposed program will be built to a standard that differs from that required under the permit. Recommend that Ecology coordinate BMP testing using sites known to be built using the criteria listed within the 2005 Stormwater Management Manual for

NPDES PHASE II COMMENTS

Western Washington to measure their appropriateness (what pollutants does the BMP remove), and determine the proper design criteria.

91. S9. Reporting Requirements

Page 36 of 50

Line 17 to 38

and Page 37 of 50

Line 1 to 32

Special Condition 9:

We fail to see the benefit of reporting how much money we spend towards the implementation of this permit program. This will not offer any real evaluation of program success or meeting MEP. Every Permittee will spend varying amounts towards implementing the same program. In other words permittee 1 may spend less than permittee 2 toward implementation of identical programs. The amount of funding spent towards program implementation does not indicate permit compliance in any way. Furthermore, this effort would potentially change the structure of a local governments financial recording system. This reporting requirement will require the alteration of a permittee financial system that may have been in use for several years and can not be changed just to meet this requirement. In addition, the amount of funds expended during one particular permit term should not be used as a standard to meet in future permit renewals. This requirement should be completely removed from the permit.

92. S8. Monitoring. C.2.b.

Page 36 of 50

Lines 13 to 15

This section allows jurisdictions with a single urbanized area to submit a collaborative report. It is unclear if the collaboration allows consolidation of monitoring sites and activities. For example if a county with a population over 100,000 collaborates with 2 cities with populations over 50,000 on BMP effectiveness monitoring, how many BMPs and sites are they required to test? Individually the total number of types of BMPs would be 6 with at least two sites for each type of BMP. Is the number different if these jurisdictions collaborate?

If the jurisdictions collaborate on program effectiveness monitoring, do two separate actions from each jurisdiction have to be evaluated or can two practices common to all jurisdictions be evaluated?

93. S9. Reporting Requirements. C.2.b.

Page 37 of 50

Line 2

Delete: minimum (~~“control”~~) measures...

Add: (“performance”)

NPDES PHASE II COMMENTS

94. S9. Reporting Requirements. C.2.e.

Page 37 of 50

Line 14

Delete: ("~~S5.A.3 and~~")

95. S9. Reporting Requirements. D.1.

Page 37 of 50

Line 29 to 30

Delete: ("~~photocopies of~~")

96. S9. Reporting Requirements. D.1.

Page 37 of 50

Line 30

Delete: ("~~other~~")

Add: ("including")

97. S9. Reporting Requirements. D.1.

Page 37 of 50

Line 31 to 32

Add: this permit (comply with state laws on public disclosure)

98. G4. Bypass Prohibited. B.

Page 38 of 50

Line 28

Delete: ("~~Severe property damage does not mean economic loss.~~")

99. G5. Right of Entry. B.

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Line 35

Add: of the ("in compliance with state disclosure laws.")

100. G5. Right of Entry. D.

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Line 2

Add: facilities (owned by Permittee); and

101. G6. Duty to Mitigate

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Line 9

Add: of any sort ("or the right to enter private property")

102. G9. Monitoring. B.

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Line 23

Delete: (~~five~~)

Add: ("three") To comply with state law

NPDES PHASE II COMMENTS

103. G9. Monitoring. B.

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Line 26

Add: Ecology (“in compliance with state disclosure laws.”)

104. G9. Monitoring. G.

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Line 21

Add: modification (“by following due process with state law for rule development.”)

105. G10. Removed Substances

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Line 28 to 29

Delete: “and only in accordance with the Street Waste Disposal Guidelines in Appendix (4.”)

Add: (5)

106. G12. Revocation of Coverage. F.

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Line 11 to 12

Delete: “~~or requested by any interested person.~~”

107. G14. General Permit Modification and Revocation. D.

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Line 29 to 30

The definition of site-specific information must be changed to include that only the permittee or authorized agents of the permittee will supply site specific information that can change the conditions of the discharge.

108. Definitions and Acronyms

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Line 14

Delete: “~~including roads~~” and “~~municipal streets~~”. Road Surfaces are not part of the MS4 system.

109. Definitions and Acronyms

Page 46 of 50

Line 16

Delete: “~~roads with~~”

Delete: “~~municipal streets~~”

NPDES PHASE II COMMENTS

110. Definitions and Acronyms

Page 46 of 50

Line 20

Delete: (“~~disposal of wastes~~”), stormwater, (~~or other wastes~~)

Waste disposal is regulated with WAC 350 solid waste regulations.

111. Definitions and Acronyms

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Line 16 to 19

Delete: jurisdiction over (~~disposal of sewage, industrial wastes~~,”) stormwater, (“~~or other wastes~~”) including....

Add: substitute (“discharges”) for (“~~waste.~~”)

WAC 350 Solid waste regulations regulate wastes. Clarify that this permit is addressing only stormwater related to these entities.

Sewer and industrial are “Separate permits”

112. Definitions and Acronyms

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Line 26 to 29

Delete: “~~and highways and other thoroughfares.~~” Road surfaces are not part of the MS4 system.

113. Definitions and Acronyms

Page 48 of 50

Line 33 to 40

Delete – “~~means stormwater runoff, snow melt runoff and surface runoff and drainage~~”

Add – “means precipitation runoff collected in manmade stormwater collection and transportation systems.”

114. Definitions and Acronyms

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Line 1

Add: “. . . means (the mandatory elements of) the. . .”